UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/50/83
14 February 1995
ENGLISH
ORIGINAL: RUSSIAN

Fiftieth session

MAINTENANCE OF INTERNATIONAL SECURITY

AGENDA FOR DEVELOPMENT

HUMAN RIGHTS QUESTIONS

Letter dated 10 February 1995 from the Permanent Representatives of Kazakhstan and the Russian Federation to the United Nations addressed to the Secretary-General

On instructions from our Governments, we have the honour to transmit the texts of the Declaration on the Broadening and Deepening of Kazakh-Russian Cooperation (see annex I), the Treaty between the Republic of Kazakhstan and the Russian Federation on the Legal Status of Citizens of the Republic of Kazakhstan Who Reside Permanently in the Territory of the Russian Federation and of Citizens of the Russian Federation Who Reside Permanently in the Territory of the Republic of Kazakhstan (see annex II) and the Agreement between the Republic of Kazakhstan and the Russian Federation on a Simplified Procedure for the Acquisition of Citizenship by Citizens of the Republic of Kazakhstan Taking Up Permanent Residence in the Russian Federation and by Citizens of the Russian Federation Taking Up Permanent Residence in the Republic of Kazakhstan (see annex III), signed in Moscow on 20 January 1995 by the Presidents of the Republic of Kazakhstan and of the Russian Federation during the visit to the Russian Federation by the President of the Republic of Kazakhstan, Mr. Nursultan Nazarbaev.

We should be grateful if you would have the text of this letter and its annexes circulated as an official document of the General Assembly, under the items entitled "Maintenance of international security", "Agenda for development" and "Human rights questions".

(Signed) A. ARYSTANBEKOVA
Permanent Representative of
the Republic of Kazakhstan
to the United Nations

(Signed) S. LAVROV
Permanent Representative of the
Russian Federation to the
United Nations

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ANNEX I

Declaration on the Broadening and Deepening of Kazakh-Russian Cooperation

The President of the Republic of Kazakhstan and the President of the Russian Federation,

On the basis of the historical traditions of friendship between the peoples of the two countries and the desire to deepen all-round cooperation,

Reaffirming their commitment to the principles of sovereignty, equal rights and true partnership,

Bearing in mind the objective need for a further deepening of economic integration, the more effective use of productive capacity, and the high degree of complementarity and interdependence of the economies of Kazakhstan and the Russian Federation,

With a view to improving multilateral cooperation and the active participation of the two States in the establishment of an Economic Union within the framework of the Commonwealth of Independent States,

Guided by the Treaty between the Republic of Kazakhstan and the Russian Federation on Friendship, Cooperation and Mutual Assistance of 25 May 1992, the Treaty between the Republic of Kazakhstan and the Russian Federation on the Further Deepening of Integration and Economic Cooperation of 28 March 1994, as well as other earlier agreements in the political, economic, defence, scientific and technical and social and humanitarian fields,

Seeking to provide an additional impetus to the broadening and deepening of Russian-Kazakh cooperation,

Declare as follows:

1. The Presidents shall instruct the Governments of the two States to implement a set of measures to adapt the legal and contractual basis for relations between the two countries to the new conditions both in the two countries and in the Commonwealth of Independent States as a whole, harmonize national legislation and sign an agreement on a customs union.

The Presidents also consider it necessary to prepare a new package of agreements and instruments that develop the main provisions of the Treaty between the Republic of Kazakhstan and the Russian Federation on Friendship, Cooperation and Mutual Assistance of 25 May 1992.

2. Kazakh-Russian economic cooperation will be based on the principles of free and non-discriminatory trade, the creation of a common market for goods, services, capital and labour, and close interaction in the areas of production, investment and finance.

3. The Republic of Kazakhstan and the Russian Federation shall take measures to coordinate their foreign economic policies, including their customs policies, remove tariff and non-tariff restrictions, including the waiving of customs duties, in reciprocal trade and the abolition of customs control on their common border, with the unconditional and effective joint protection of the external borders of the Customs Union and the conduct of a coordinated foreign economic policy with respect to third countries within the framework of the establishment of a Customs Union in accordance with the Treaty on the Establishment of an Economic Union.

4. With a view to ensuring the uninterrupted settlement of accounts between the economic agents of the two States on the basis of the mutual convertibility of national currencies, the Presidents shall instruct the central banks to undertake concrete measures to broaden and deepen domestic currency markets and cooperation in the establishment of effective systems of payment.

Kazakhstan and the Russian Federation shall take practical steps to coordinate their tax and price policies, ensure the access of authorized banks to each other's domestic markets, apply an exchange rate that is determined by supply and demand, support stable rates of exchange of their national currencies, and undertake other measures with a view to creating a common financial market.

5. The Presidents believe that State support is essential to the development of direct ties between the economic agents and to cooperation in the various branches of the economy. To this end, they shall promote the establishment of financial and industrial groups, the development of progressive forms of cooperation in the areas of production, investment, trade and finance and credit, the creation of conditions conducive to mutual access and the protection of investments, and for the acquisition of real estate.

6. The Presidents note that one of the most important areas for further Russian-Kazakh cooperation should be the formation of a scientific and technological area that would make for the most rational use of the intellectual, scientific and technical capacity of the two countries.

7. With a view to solving problems of supplying the economies and the populations of the two countries with fuel and energy, Kazakhstan and the Russian Federation shall broaden cooperation in this area, including in the field of the joint production of sources of energy.

The Presidents shall promote the establishment of integrated transnational Russian-Kazakh companies with State participation in the branches of the fuel and energy sectors of the two countries, including the transport of gas and petroleum.

8. The Presidents attach great importance to the improvement of cooperation in the fields of transport, communications, telecommunications and the exchange of information, and the further development and sound use of the unified systems and complexes established in these areas.

To this end, the Parties shall ensure, on a reciprocal basis, free transit of goods, means of transport and services and the free movement of citizens of the two States through their territories and shall waive all customs duties, taxes or other transit-related charges.

9. Kazakhstan and the Russian Federation shall strictly observe the rights and freedoms of the human person, prohibit all forms of discrimination on ethnic or other grounds, develop contacts between the nationals of the two countries and promote scientific and cultural exchanges.

10. The Presidents are in favour of their countries' active participation in the establishment of a system of collective security in the Commonwealth of Independent States on the basis of the Treaty on Collective Security of 15 May 1992.

The Presidents confirm that the Treaty between the Republic of Kazakhstan and the Russian Federation on Military Cooperation of 28 March 1994 and the fulfilment of the obligations set out in the Treaty provide a long-term basis for cooperation between Kazakhstan and the Russian Federation within the framework of a common military strategic area in order to ensure their military security, including nuclear security. Kazakhstan and the Russian Federation shall continue to adhere to the principle by which the military forces of one Party make use of the buildings and installations situated in the territory of the other Party, bearing in mind the desire of the Parties to use their defence capacity with a view to ensuring their mutual security. To this end, beginning in 1995, the Parties shall undertake the establishment of Unified Armed Forces on the basis of joint planning for the training and use of troops (forces), the provision to such troops of weapons and military equipment, and also on the condition of their unimpeded deployment and operation and the creation of a most-favoured-nation regime and a national taxation regime in the territories of the States within a common military strategic area.

11. In the interests of ensuring the reliable security of the two States, cooperation between Kazakhstan and the Russian Federation shall be broadened within the framework of a common strategic defence area, procurement for the armed forces of the States, cooperation between their military industries and standardization of weapons.

12. The protection of the external borders of the two States in conditions of the openness of the common borders between them is their common concern and shall be carried out through their joint efforts in accordance with the interests of their own security and the collective security of the Commonwealth of Independent States. To this end, a treaty between the Republic of Kazakhstan and the Russian Federation on the joint protection of their external borders shall be signed before 10 February 1995; the treaty shall provide for the establishment of a unified command for border troops.

13. The Presidents have confirmed the policy of close interaction between Kazakhstan and the Russian Federation in the field of foreign policy, bearing in mind the harmonization of positions on principal international and regional problems of mutual interest and the coordination of action in the United Nations, the Organization for Security and Cooperation in Europe and other

international organizations. The Parties shall undertake efforts to ensure that the Commonwealth of Independent States becomes a prestigious international regional organization.

14. The President of the Republic of Kazakhstan and the President of the Russian Federation emphasize that cooperation between Kazakhstan and the Russian Federation shall be carried out on a long-term reliable basis. They declare their firm intention to continue to coordinate the efforts of their States to implement policies that bring their countries closer together, and express their confidence that the agreements that have been reached shall reliably serve the basic interests of the peoples of the two States.

For the Republic of Kazakhstan:

N. NAZARBAEV

For the Russian Federation:

B. YELTSIN

ANNEX II

Treaty between the Republic of Kazakhstan and the Russian Federation on the Legal Status of Citizens of the Republic of Kazakhstan Who Reside Permanently in the Territory of the Russian Federation and of Citizens of the Russian Federation Who Reside Permanently in the Territory of the Republic of Kazakhstan

The Republic of Kazakhstan and the Russian Federation, hereinafter referred to as "the Parties",

With a view to the further development of friendly relations between them,

Recognizing the need to settle questions relating to the legal status of citizens of one State who reside permanently in the territory of the other State,

Desiring, in the interests of their citizens, to ensure equal conditions for their residence in the territories of the two Parties and, in this connection, wishing to offer the citizens of one Party who reside permanently in the territory of the other Party a legal status that is as close as possible to the legal status of the citizens of the other Party, in particular as regards civil, political, social, economic, labour, cultural and other rights,

Bearing in mind the provisions of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, signed in Minsk on 22 January 1993,

Reaffirming their obligations under the universally recognized international human rights instruments to which they are signatories,

Guided by the Treaty between the Republic of Kazakhstan and the Russian Federation on Friendship, Cooperation and Mutual Assistance of 25 May 1992,

In implementation of the Memorandum on Basic Principles for Settling Questions Relating to the Citizenship and Legal Status of Citizens of the Republic of Kazakhstan Who Reside Permanently in the Territory of the Russian Federation and of Citizens of the Russian Federation Who Reside Permanently in the Territory of the Republic of Kazakhstan of 28 March 1994,

Have agreed as follows:

Article 1

1. For the purposes of this Agreement, a citizen of one Party is considered to be a permanent resident in the territory of the other Party if he resides permanently in its territory on the basis of a permit issued by the other Party and is not at the same time a permanent resident in the territory of the Party of which he holds citizenship.

2. In this Treaty:

(a) "Party of citizenship" means the Party of which a citizen of one Party who resides permanently in the territory of the other Party is a citizen;

(b) "Party of residence" means the Party in whose territory a citizen of the other Party permanently resides.

Article 2

1. In accordance with this Treaty, the document certifying the status of a citizen of one Party who resides permanently in the territory of the other Party shall be a document issued by the competent authorities of the Party of residence, or an annotation entered by the competent authorities of the Party of residence in documents certifying the personal identity or citizenship of an individual in accordance with the legislation of the Party of citizenship as well as documents entitling the bearer to cross the State border, with the exception of diplomatic and service passports.

2. The Parties shall exchange samples of the documents and annotations referred to in paragraph 1 of this article, as well as information on which persons may be granted the status of citizen of one Party permanently residing in the territory of the other Party, in accordance with this Treaty. The aforementioned exchanges shall be made by the consular establishments of the Parties.

3. The academic studies, work, official business or military service of a citizen of one Party who resides permanently in the territory of the other Party shall have no bearing on his or legal status as defined in this Treaty.

Article 3

1. A citizen of one Party who resides permanently in the territory of the other Party shall be bound to observe the Constitution and legislation and respect the traditions and customs of the Party of residence.

2. A citizen of one Party who resides permanently in the territory of the other Party shall maintain legal ties with the Party of citizenship and shall enjoy the protection of the two Parties.

Article 4

1. A citizen of one Party who resides permanently in the territory of the other Party shall enjoy the same rights and freedoms and be bound by the same obligations as citizens of the Party of residence, unless otherwise provided in this Treaty.

2. A citizen of one Party who resides permanently in the territory of the other Party shall not enjoy the following rights:

(a) To participate in elections for, and be elected to, the highest State offices or representative organs of power of the Party of residence;

(b) To participate in nationwide voting (State referendum) conducted by the Party of residence;

(c) To hold office in the diplomatic service or in the security or internal affairs organs of the Party of residence;

(d) To hold office in the central organs of executive power or the office of judge or public prosecutor in the Party of residence;

(e) To hold the office of head of regional, district, municipal, village or community administration or their deputies.

3. The citizens of one Party who reside permanently in the territory of the other Party may hold the office of heads or deputy heads of the structural subdivisions of regional, district, municipal, village or community administrations and also of departments, administrations, committees or other organizations that are part of the system of the local organs of executive power, in accordance with the procedure agreed by the Parties.

Article 5

1. Documents on education issued to a citizen of one Party who resides permanently in the territory of the other Party by an educational institution of the Party of citizenship, shall be recognized in the territory of the Party of residence regardless of the date of their issuance.

2. The documents referred to in paragraph 1 of this article shall entitle a citizen of one Party who resides permanently in the territory of the other Party to matriculate in educational institutions situated in the territories of the two Parties and shall be valid for the purpose of obtaining employment in the speciality indicated in the documents.

Article 6

1. The Parties, in accordance with their legislation, shall guarantee citizens of one Party who reside permanently in the territory of the other Party the right to own, use and dispose of the property belonging to such citizens.

The acquisition of property by citizens of one Party who reside permanently in the territory of the other Party shall be subject to the legislation of the Party of residence.

2. A citizen of one Party who resides permanently in the territory of the other Party may participate in the privatization of the State property of the Party of residence on the same basis as its citizens and in accordance with the law in force in the Party of residence, unless stipulated otherwise in another agreement between the Parties.

3. If, at the time this Treaty enters into force, a citizen of one Party who resides permanently in the territory of the other Party has exercised his right to take part in the privatization of the State property of one of the Parties, he shall not be entitled to participate in the privatization of the State property of the other Party.

Article 7

Documents entitling the bearer to cross the State borders of the Parties, including their borders with third States, shall be issued by the consular establishment of the Party of citizenship situated in the Party of residence by agreement with the appropriate authorities of the Party of residence within a period not to exceed one month.

Article 8

Matters relating to the performance of military service by citizens of one Party who reside permanently in the territory of the other Party shall be dealt with in a separate agreement.

Article 9

1. The legal capacity and competence of a citizen of one Party who resides permanently in the territory of the other Party shall be determined in accordance with the legislation of the Party of residence.

2. In matters relating to the restriction or restoration of the competence of a citizen of one Party who resides permanently in the territory of the other Party, and in matters relating to the official determination that a citizen of one Party who resides permanently in the territory of the other Party is missing or dead and matters relating to the establishment of the time of death of a citizen of one Party who resides permanently in the territory of the other Party, the competent authorities of one Party shall notify the appropriate institutions of the other Party.

Article 10

1. Adoption or its revocation and the establishment or termination of guardianship or trusteeship in cases where the adoptive parent, guardian or trustee is a citizen of one Party who resides permanently in the territory of the other Party and the person adopted or whose adoption is revoked, or with respect to whom guardianship or trusteeship is established or terminated, is a citizen of the Party of residence, shall be subject to the legislation of the Party of residence.

2. In cases where adoption is established or revoked, or guardianship or trusteeship is established or terminated, with respect to a citizen of one Party

who resides permanently in the territory of the other Party, the law of the Party of citizenship shall apply.

Article 11

The obligation to compensate for damage in cases where the individual who causes the damage and the injured party are citizens of the same Party who reside permanently in the territory of the other Party shall be determined in accordance with the legislation of the Party of residence, except when the act or other circumstance that served as the basis for the claim for compensation for damage caused in the Party of citizenship are determined in accordance with the legislation of the Party of citizenship.

Article 12

A citizen of one Party who resides permanently in the territory of the other Party shall not be restricted in his rights or be subject to additional obligations which are established, or which may be established, for foreign citizens in the Party of residence.

Article 13

Disputes between the Parties that arise in connection with the application or interpretation of this Treaty shall be settled through consultations and negotiations between the Parties.

Article 14

The Parties shall take measures to develop a bilateral contractual basis with respect to citizens of one Party who reside permanently in the territory of the other Party.

Article 15

This Treaty is subject to ratification and shall enter into force thirty days after the date on which the instruments of ratification are exchanged.

Article 16

This Treaty is concluded for a period of five years from the date of its entry into force and shall be automatically extended for successive five-year periods unless one of the Parties denounces it six months prior to the expiry of the current period.

DONE at Moscow on 20 January 1995 in duplicate, each in the Kazakh and Russian languages, both texts being equally authentic.

For the Republic of Kazakhstan:

N. NAZARBAEV

For the Russian Federation:

B. YELTSIN

ANNEX III

Agreement between the Republic of Kazakhstan and the Russian Federation on a Simplified Procedure for the Acquisition of Citizenship by Citizens of the Republic of Kazakhstan Taking Up Permanent Residence in the Russian Federation and by Citizens of the Russian Federation Taking Up Permanent Residence in the Republic of Kazakhstan

The Republic of Kazakhstan and the Russian Federation, hereinafter referred to as "the Parties", considering the desire of the peoples of the two countries to maintain and strengthen their historical, traditionally friendly, ties and good-neighbourly relations, reaffirming their commitment to their obligation to guarantee to their citizens the generally accepted international norms and human rights and freedoms,

Desiring to create favourable conditions that give their citizens the right to choose and acquire of their own free will the citizenship of the other Party,

Guided by the Treaty between the Republic of Kazakhstan and the Russian Federation on Friendship, Cooperation and Mutual Assistance of 25 May 1992, the Memorandum on Basic Principles for Settling Questions Relating to the Citizenship and Legal Status of Citizens of the Republic of Kazakhstan Who Reside Permanently in the Territory of the Russian Federation and of Citizens of the Russian Federation Who Reside Permanently in the Territory of the Republic of Kazakhstan of 28 March 1994,

Have agreed as follows:

Article 1

1. Each Party shall offer its citizens who take up permanent residence in the territory of the other Party a simplified (registration) procedure for the acquisition of citizenship, provided that they meet one of the following conditions:

(a) If the applicant was in the past a citizen of the Kazakh Soviet Socialist Republic or the Russian Soviet Federative Socialist Republic and at the same time a citizen of the Union of Soviet Socialist Republics and was residing in their territories as at 21 December 1991 and was a permanent resident before this Agreement entered into force and/or;

(b) If the applicant has close relatives who are citizens of the Parties: spouse(s), parents (adoptive parents), children (including adopted children), sisters, brothers or a grandfather or grandmother who reside permanently in and are citizens of the Party whose citizenship they are acquiring.

2. The procedure indicated in paragraph 1 of this article shall apply to citizens of the Parties who reside permanently in the territory of the other

Party, irrespective of the length of their residence in the territory of the Party whose citizenship they are acquiring.

The acquisition of citizenship of the other Party and the renunciation of citizenship of one Party shall be on the basis of the free expression of the will of the persons concerned.

Article 2

In order to acquire citizenship of the other Party or renounce citizenship under the simplified procedure, a citizen of one Party shall submit to the appropriate authorities of the other Party the following documents:

An application that conforms to the requirements of the competent authorities of the Parties;

A copy of the applicant's birth certificate;

A document certifying that one of the conditions referred to in article 1, paragraph 1, has been met.

The organs of internal affairs shall register the acquisition of citizenship of the Parties under the simplified procedure within a period not to exceed three months and shall observe the requirements of the domestic legislation of the Parties.

In cases where citizenship of one Party is acquired and citizenship of the other Party is simultaneously renounced, the individual who submitted the application to this effect shall retain the citizenship of the other Party until a favourable decision is taken on his application.

Article 3

Either Party shall guarantee persons who reside permanently in the territory of one Party but were born in the territory of the other Party, or who have parents at least one of whom is or was a citizen of the other Party and is or was a permanent resident in the territory of that Party, and who have not yet chosen citizenship in either Party by the date on which this Agreement enters into force, the right to choose citizenship of either Party freely and at their own discretion within one year following the entry into force of this Agreement.

Article 4

1. If, as a result of a change of citizenship by a parent, both parents become citizens of the other Party, or if they both renounce citizenship of one of the Parties, the citizenship of their minor children shall change accordingly.

2. The citizenship of minor children, one of whose parents is a citizen of one Party and the other acquires citizenship of the other Party, shall be determined by agreement between the parents, which shall be formulated in an application submitted in accordance with the provisions of article 2.

3. Children whose parents live apart shall retain the citizenship of the parent by whom they are raised, unless the parents have reached some other agreement on this matter.

4. The established citizenship of children upon attainment of full legal age, one of whose parents is a citizen of the Republic of Kazakhstan and the other is a citizen of the Russian Federation, may be changed in accordance with the legislation of the Parties under the simplified procedure.

5. The citizenship of children shall not be changed when parents who have been deprived of parental rights change their citizenship. The agreement of parents who have been deprived of parental rights shall not be required when their children change citizenship.

Article 5

Matters that are not dealt with in this Treaty shall be settled by the Parties in accordance with the domestic legislation of the Parties.

In cases where the domestic legislation of the Parties establishes more favourable conditions for the acquisition of citizenship for any category of individual, the domestic legislation of the Parties shall apply.

The Parties shall take measures to harmonize their legislation on citizenship.

Article 6

Matters relating to the interpretation or application of this Agreement shall be settled through consultations between the Parties.

Article 7

This Agreement is subject to ratification and shall enter into force thirty days after the date on which the Parties exchange the instruments of ratification.

Article 8

This Agreement is concluded for a period of five years from the date of its entry into force and shall be automatically extended for successive five-year periods unless one of the Parties denounces it six months prior to the expiry of the current period.

DONE at Moscow on 20 January 1995 in duplicate, each in the Kazakh and Russian languages, both texts being equally authentic.

For the Republic of Kazakhstan:

N. NAZARBAEV

For the Russian Federation:

B. YELTSIN